

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION

UNITED STATES OF AMERICA,)	CR 11-29-M-DWM
)	
Plaintiff,)	
)	
vs.)	ORDER
)	
TRACY MEERKATZ,)	
)	
Defendant.)	
_____)	

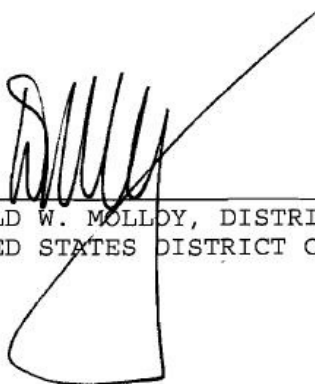
United States Magistrate Judge Jeremiah C. Lynch entered his Findings and Recommendation in this matter on August 23, 2011. (Dkt # 19). Neither party objected. Therefore, they are not entitled to a de novo review of the record. 28 U.S.C. § 636(b)(1); United States v. Reyna-Tapia, 328 F.3d 1114, 1121 (9th Cir. 2003). Instead, this Court will review the Findings and Recommendation for clear error. McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” United States v. Syrax, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Tracy Meerkatz's guilty plea after Meerkatz appeared before him under Rule 11 of the Federal Rules of Criminal Procedure and entered her plea of guilty to one count of wire fraud in violation of 18 U.S.C. § 1343, as set forth in the Indictment filed against her. In exchange for her plea, the United States has agreed to dismiss Counts II through XVI of the Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation, and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing, when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS HEREBY ORDERED that Tracy Meerkatz's motion to change her plea (dkt # 11) is GRANTED.

DATED this 12th day of September, 2011.



DONALD W. MOLLOY, DISTRICT JUDGE
UNITED STATES DISTRICT COURT